COURT NO.2

Writ Petition No. 631 of 2001

Sanyukta Van Prabhand
Van Panchayat and others**…….** Petitioners

Versus

State of Uttaranchal and others**…….** Respondents.

…….

Hon. P.C. Verma, J.
Hon. M.C. Jain, J.

This petition has been filed seeking a writ, order or direction in the nature of prohibition commanding the respondents 1 to 15 not to cause interference, interruption and obstruction in holding the office of the petitioner no.1 by the petitioner no.2 and respondents 16 to 23 as its Adhyaksh/Sarpanch. Panch and Members respectively and further commanding the respondents 1 to 15 not to remove the petitioner no.2 and respondents no.16 to 23 holding their offices as Adhyakash/Sarpanch, Panch and Members respectively of the petitioner no.1 until the term and tenure of their office as such expires i.e. on 30.9.2003.

The petitioner committee came into existence by virtue of the agreement in form 1 under Rule 3 of Village Forest Joint Management Rules 1977. From the prayer quoted above, the relief sought can only be granted when the petitioner is able to establish that he has absolute right for a term of five years in view of the said agreement, but clause 5 of the agreement itself puts condition on the terms and according to it the Forest Officer shall carry out at this discretion any or all works regarding forest management independently in case the committee fails to carry out any of the directions issued by the Forest Corporation. Thus, the petitioner committee does not have any absolute right even in terms of the agreement. Therefore, the relief sought is misconceived.

The petition is accordingly dismissed.

(P.C. Verma, J.) (M.C. Jain, J.)

Dt. 4.7.2001